

Attorney Docket Number: FSP0445
Application Number: 10/706,421

RECEIVED
CENTRAL FAX CENTER
FEB 02 2010

-1-

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AMENDMENT AND REMARKS UNDER 37 C.F.R. 1.116

FOR

Attorney Docket Number: FSP0445

Client Reference Number: 8130

Title: Method and system for provisioning specification subsets for standards-based communication network devices

Application Number: 10/706,421

Filing Date: November 12, 2003

First Named Inventor: Carter, Wade E.

Group Art Unit: 2151

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via EFS or facsimile to the USPTO (number 571-273-8300) on:

02/02/2010
Date

Signature: /Charles A. Mirho/
NAME: Charles A. Mirho

Attorney Docket Number: FSP0445
Application Number: 10/706,421

-2-

Summary of Office Action

Claims 13-18 are rejected under 35 U.S.C. 101 because claim 13 would allegedly be interpreted by one of ordinary skill as a system of software *per se* (software means only and not embedded in a computer readable storage medium), failing to fall within a statutory category of invention. Claims 14-18 are also rejected under 35 U.S.C. 101 because claims 14-18 are directly depend on its independent claim 13. Claims 1-18 and 26-27 are rejected under 35 U.S.C. 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 2-12, 14-18, and 26-27 are also rejected under 35 U.S.C. 112, first paragraph, because claims 2-12, 14-18, and 26-27 are directly depend on its independent claims 1 and 13.

Attorney Docket Number: FSP0445
Application Number: 10/706,421

-3-

Summary of Amendments

Amendments have been made to the claims. The amendments to the claims are detailed under the heading "Claims". Deletions are shown in strike-through; additions are underlined.